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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

CENTER FOR BIOLOGICAL DIVERSITY  
AND SIERRA CLUB,

Plaintiffs/Petitioners,

v.

CALIFORNIA DEPARTMENT OF  
CONSERVATION, DIVISION OF OIL, GAS,  
AND GEOTHERMAL RESOURCES, et al.,

Defendants/Respondents,

AERA ENERGY LLC, et al.,

Respondents-in-Intervention, and

WESTERN STATES PETROLEUM  
ASSOCIATION, et al.,

Respondents-in-Intervention.

Case No: RG15769302

ASSIGNED FOR ALL PURPOSES TO  
JUDGE GEORGE C. HERNANDEZ, JR.  
DEPARTMENT 17

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFFS' REPLY BRIEF**

Date: July 15, 2016  
Time: 8:30 a.m.  
Dept: 17  
Judge: Hon. George C. Hernandez, Jr.

Action Filed: May 7, 2015  
Hearing Date: July 15, 2016

1 The Center for Biological Diversity and the Sierra Club (“Plaintiffs”) hereby request judicial  
2 notice in support of Plaintiffs’ Reply Brief in this action. Pursuant to Evidence Code section 450 *et*  
3 *seq.*, Plaintiffs request that the Court take judicial notice of the following two letters constituting  
4 official correspondence among the California Department of Conservation, Division of Oil, Gas and  
5 Geothermal Resources (“DOGGR”), the U.S. Environmental Protection Agency (“EPA”) and the  
6 State Water Resources Control Board:


- 7 1. Letter from DOGGR and the State Water Resources Control Board to EPA, Region IX,  
8 dated July 15, 2015, available on the Department of Conservation’s official website at  
9 [ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/July%2015%202015%20US%20EPA%20D](ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/July%2015%202015%20US%20EPA%20Deliverable.pdf)  
10 [eliverable.pdf](ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/July%2015%202015%20US%20EPA%20Deliverable.pdf). A copy of this letter is attached as Exhibit A to the Declaration of Hollin  
11 Kretzmann (“Kretzmann Declaration”), filed concurrently herewith.
- 12 2. Letter from EPA Region IX to DOGGR, dated April 19, 2016, available on EPA’s  
13 official website at [https://www.epa.gov/sites/production/files/2016-05/documents/epa-](https://www.epa.gov/sites/production/files/2016-05/documents/epa-letter-to-doggr-inforequest-ag-ac-swrcb-doggr-2016-04-19.pdf)  
14 [letter-to-doggr-inforequest-ag-ac-swrcb-doggr-2016-04-19.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/epa-letter-to-doggr-inforequest-ag-ac-swrcb-doggr-2016-04-19.pdf). A copy of this letter is  
15 attached as Exhibit B to the Kretzmann Declaration, filed concurrently herewith.

16 The Evidence Code mandates judicial notice of matters that comport with the requirements  
17 of Evidence Code section 452, provided that the requesting party: (1) gives adequate notice to the  
18 adverse party; and (2) includes sufficient information to enable the Court to take judicial notice.  
19 (Evid. Code, §§ 452, 453.) The documents referenced in this request fall directly within the category  
20 of matters appropriate for judicial notice under the Evidence Code. Section 452(c) allows the Court  
21 to judicially notice “[o]fficial acts of the legislative, executive, and judicial departments” of the  
22 United States or any state. (*Id.* at § 452, subd. (c); *Rodas v. Spiegel* (2001) 87 Cal.App.4th 513,  
23 518.) Letters from a federal or state administrative agency are official acts of the executive  
24 department, of which a court may take judicial notice. (See *Landstar Global Logistics, Inc. v.*  
25 *Robinson & Robinson, Inc.* (2013) 216 Cal.App.4th 378, 388 fn. 4 [taking judicial notice of U.S.  
26 Department of State letters]; *In re Soc. Servs. Payment Cases* (2008) 166 Cal.App.4th 1249, 1271  
27 [taking judicial notice of California Department of Development Services letters].) As official acts  
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1 of administrative agencies, Exhibits A and B are thus properly subject to judicial notice by this  
2 Court.

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4 Respectfully submitted,

5 DATED: June 29, 2016

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